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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/690,781	10/21/2003	Jennifer L. Hohman	200312370-1	5609

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EXAMINER

WANG, ALBERT C

ART UNIT	PAPER NUMBER
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2115

DATE MAILED: 06/29/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No. 10/690,781	Applicant(s) HOHMAN, JENNIFER L.	
	Examiner Albert Wang	Art Unit 2115	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-29 is/are pending in the application.  
     4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-29 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 21 October 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
     a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)               | Paper No(s)/Mail Date. ____.  |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>5/06</u> .  | 6) <input type="checkbox"/> Other: ____.                                    |

### **DETAILED ACTION**

1. Original claims 1-29 are pending.

#### ***Claim Objections***

2. Claim 21 is objected to because of the following informalities: "interchangeable" is misspelled. Appropriate correction is required.

#### ***Claim Rejections - 35 USC § 112***

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claim 28 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 28 recites the limitation "the user device interface means" in line 1. There is insufficient antecedent basis for this limitation in the claim.

#### ***Claim Rejections - 35 USC § 102***

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6. Claims 1, 2, 5 and 29 are under 35 U.S.C. 102(e) as being anticipated by Ponna, U.S.

Patent No. 6,735,625.

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As per claim 1, Ponna teaches a method for providing a user controlled and automated migration of a client computer using a deployment framework with update tools, comprising the steps of:

determining user migration specifications for a client computer using information received from a user through a user migration control interface coupled to the deployment framework (fig. 1; col. 3, lines 36-51; col. 4, lines 23-32; col. 5, line 51 – col. 6, line 6);

checking the migration compliance of the client computer that is associated with the user (col. 7, lines 20-25 & 40-52);

generating a client computer profile based on the migration compliance of the client computer and the user migration specifications (col. 7, lines 26-39; col. 7, line 53 – col. 8, line 10);

receiving an electronic approval from the user via the user migration control interface to initiate the migration of the client computer (col. 8, lines 11-22); and

migrating the client computer as predetermined by the client computer profile using update tools connected to the deployment framework (col. 8, lines 11-22).

As per claim 2, Ponna teaches the step of checking the migration compliance further comprises the step of collecting an inventory of the client computer's hardware and software (col. 7, lines 40-52).

As per claim 5, Ponna teaches the step of migrating of the client computer further comprises the step of installing user requested software (col. 8, lines 11-22).

As per claim 29, since Ponna teaches the method of claim 1, Ponna teaches the claimed article.

*Claim Rejections - 35 USC § 103*

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 3, 4, 6-14 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ponna, as applied to claim 1 above, and further in view of Flam et al., U.S. Pub. No. 2004/0133610 ("Flam").

As per claim 4, Ponna does not expressly teach the step of enabling the user to register for migration services via a web-enabled interface. Flam teaches a step of enabling a user to login via a web-enabled interface (par. 0053). At the time of the invention, it would have been obvious, in view of Flam, to one of ordinary skill in the art to incorporate web-enabled login to Ponna's method. Such web-enabled login is well known in the art for allowing a user to login remotely.

As per claim 3, Flam teaches the step of creating a traceable registration that uniquely identifies the user associated with a client computer profile (par. 0053).

As per claim 6, supplying user training for migrated computer software and hardware is well known in the art for getting users up to speed.

As per claim 7, Flam teaches the step of backing up user specific data located on the client computer (par. 0041).

As per claim 8, Flam teaches the step of restoring user specific data after updated client computer software has been loaded (par. 0043).

As per claim 9, Flam teaches the step of enabling a user to select whether a software refresh or a wipe and load is performed on the user's client computer (pars. 0044-0046).

As per claim 10, enabling a user to select a default settings for an upgrade is well known in the art.

As per claim 11, presenting a completion survey to the user is well known in the art for obtaining user feedback.

As per claim 12, Flam teaches the step of tracking the progress of the client computer's migration for viewing by the user (par. 0062).

As per claim 13, Ponna teaches the step of collecting an inventory of the client computer's hardware and software using an inventory plug-in (col. 7, lines 40-52).

As per claim 14, Flam teaches the step of receiving approval for the user controlled migration from business management and technical management personnel (par. 0043 & 0058).

As per claim 16, Flam teaches the step of allowing migration of the client computer to be interrupted by the user (par. 0053).

9. Claims 17-20 and 22-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ponna, U.S. Patent No. 6,735,625, in view of Flam et al., U.S. Pub. No. 2004/0133610 ("Flam").

As per claim 17, Ponna teaches a method for providing a user controlled and automated migration of a client computer using a deployment framework with update tools, comprising the steps of:

determining user migration specifications for a client computer using information received from a user through a user migration control interface coupled to the deployment framework (fig. 1; col. 3, lines 36-51; col. 4, lines 23-32; col. 5, line 51 – col. 6, line 6);

checking the migration compliance of the client computer that is associated with the user (col. 7, lines 20-25 & 40-52);

generating a client computer profile based on the migration compliance of the client computer and the user migration specifications (col. 7, lines 26-39; col. 7, line 53 – col. 8, line 10);

receiving an electronic approval from the user via the user migration control interface to initiate the migration of the client computer (col. 8, lines 11-22); and

migrating the client computer as predetermined by the client computer profile using update tools connected to the deployment framework (col. 8, lines 11-22).

However, Ponna does not expressly teach receiving approval from management personnel responsible to for the user. Flam teaches receiving approval for migration from management personnel other than the user (par. 0043). At the time of the invention, it would have been obvious to one of ordinary skill in the art to apply the teachings of Flam to include receiving approval from management personnel in Ponna's method, as requiring management approval is common business practice.

As per claim 18, Flam teaches the step of receiving approval for user controlled migration from management personnel responsible for the user further comprises the step of receiving approval from the technical management personnel responsible for the user (par. 0058).

As per claim 19, Flam teaches the step of receiving approval for user controlled migration from management personnel responsible for the user further comprises the step of routing the client computer profile through the deployment framework to management personnel for approval (par. 0058).

As per claim 20, Ponna teaches a device for providing user controlled and automated migration of a user's client computer, comprising:

- a deployment framework that enables user controlled migration of a client computer over a computer network (col. 5, lines 31-38);

- a user migration control interface in the deployment framework that controls the migration of the client computer via an electronic approval from the user (fig. 1; col. 3, lines 36-51; col. 4, lines 23-32);

- a plurality of update tools coupled to the deployment framework to perform migration operations (col. 8, lines 11-22);

- a communications module for the deployment framework, configured to route approvals from the user (col. 4, lines 33-54; col. 8, lines 11-22); and

- an account infrastructure in communication with the deployment framework, configured to collect an inventory for the computer hardware and software associated with a user (col. 7, lines 40-52).

However, Ponna does not expressly teach receiving approval migration from management and technical personnel responsible to for the user. Flam teaches receiving approval for migration from management personnel other than the user (pars. 0043 & 0058). At



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the time of the invention, it would have been obvious to one of ordinary skill in the art to apply the teachings of Flam to include receiving approval from management personnel in Ponna's method, as requiring management approval is common business practice.

As per claim 22, Flam teaches a plurality of web pages to provide control of the deployment framework by the user (figs. 3-13).

As per claim 23, Ponna teaches an active directory component that enables interaction with the plurality of update tools (col. 8, lines 23-42).

As per claim 24, Flam teaches recording approvals for hardware upgrades from applicable business management and technical personnel who are responsible for the user (pars. 0043 & 0058).

As per claim 25, Flam teaches the plurality of update tools further comprise an update tool selected from the group consisting of an inventory management tool, a data backup tool, a data restore tool, and a custom software distribution tool (col. 8, lines 11-22).

As per claim 26, Ponna teaches routing logic to ensure that the appropriate business management and technical approvals have been received (col. 4, lines 33-54).

10. Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ponna as applied to claim 1 above, and further in view of Daynes et al., U.S. Patent No. 6,715,144 ("Daynes").

As per claim 15, Ponna does not expressly teach the plurality of update tools can be interchangeable software plug-ins. Daynes teaches using plug-ins for providing additional functionality to an application (col. 5, line 56 – col. 6, line 20). At the time of the invention in view of Daynes' teachings, it would have been obvious to one of ordinary skill in the art that

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Ponna method may be adapted to use update tools in the form of software plug-ins, as plug-ins are well known in the art for providing additional functions to an application.

11. Claim 21 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ponna/Flam as applied to claim 20 above, and further in view of Dynes et al., U.S. Patent No. 6,715,144 (“Daynes”).

As per claim 21, Ponna does not expressly teach the plurality of update tools can be interchangeable software plug-ins. Daynes teaches using plug-ins for providing additional functionality to an application (col. 5, line 56 – col. 6, line 20). At the time of the invention in view of Daynes’ teachings, it would have been obvious to one of ordinary skill in the art that Ponna method may be adapted to use update tools in the form of software plug-ins, as plug-ins are well known in the art for providing additional functions to an application.

12. Claims 27 and 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ponna, U.S. Patent No. 6,735,625, in view of Flam et al., U.S. Pub. No. 2004/0133610 (“Flam”) and Daynes et al., U.S. Patent No. 6,715,144 (“Daynes”).

As per claim 27, Ponna teaches a device for providing user controlled and automated migration of a user's client computer, comprising:

a deployment framework means for controlling migration of a client computer over a computer network (col. 5, lines 31-38);

a user migration control interface means in the deployment framework for controlling the migration of the client computer via an electronic approval from the user (fig. 1; col. 3, lines 36-51; col. 4, lines 23-32);

a plurality of update tools coupled to the deployment framework for performing migration operations (col. 8, lines 11-22);

a communications means for the deployment framework, configured for routing approvals from the user (col. 4, lines 33-54; col. 8, lines 11-22); and

an account infrastructure means in communication with the deployment framework, for collecting an inventory for the computer hardware and software associated with a user (col. 7, lines 40-52).

However, Ponna does not expressly teach receiving approval migration from management and technical personnel responsible to for the user. Flam teaches receiving approval for migration from management personnel other than the user (pars. 0043 & 0058). At the time of the invention, it would have been obvious to one of ordinary skill in the art to apply the teachings of Flam to include receiving approval from management personnel in Ponna's method, as requiring management approval is common business practice.

Ponna does not expressly teach the plurality of update tools can be interchangeable software plug-ins. Daynes teaches using plug-ins for providing additional functionality to an application (col. 5, line 56 – col. 6, line 20). At the time of the invention in view of Daynes' teachings, it would have been obvious to one of ordinary skill in the art that Ponna/Flam's method may to be adapted to use update tools in the form of software plug-ins, as plug-ins are well known in the art for providing additional functions to an application.

As per claim 28, Flam teaches a plurality of web pages to provide control of the deployment framework by the user (figs. 3-13).

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Albert Wang whose telephone number is 571-272-3669. The examiner can normally be reached on M-F (9:30 - 6:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas C. Lee can be reached on 571-272-3667. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

AW

  
**CHUN CAO**  
**PRIMARY EXAMINER**